



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
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March 14, 2012

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To: Supervisor Zev Yaroslavsky, Chairman  
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From: William T Fujioka  
Chief Executive Officer

## **SACRAMENTO UPDATE**

This memorandum contains a pursuit of County position regarding the Los Angeles County Flood Control Act.

### **Pursuit of County Position on Legislation**

**SB 1201 (De Leon)**, which as introduced on February 22, 2012, would establish the Los Angeles River Interagency Access Council and amend the Los Angeles County Flood Control Act, among other provisions.

Existing law establishes the California Natural Resources Agency (CNRA) consisting of various departments, boards, and commissions, including the Department of Fish and Game, California Conservation Corps, Department of Water Resources, and the Parks and Recreation Commission, among others. The CNRA's primary responsibility is to restore, protect and manage the State's natural, historical and cultural resources. The Angeles County Flood Control District (LACFCD) was established in 1915 to control and conserve flood, storm, and other wastewater and to allow other entities, public or private, to provide for recreational uses of LACFCD facilities that do not interfere, or are inconsistent, with the primary use and purpose of such lands, facilities and works.

As introduced, SB 1201 would establish the Los Angeles River Interagency Access Council consisting of the California Natural Resources Agency and the following entities: 1) Los Angeles County Flood Control District; 2) State Lands Commission; 3) California Environmental Protection Agency; 4) Department of Fish and Game; 5) City of Los Angeles; 6) City of Long Beach; and 7) other local government, upon request of that local government.

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The Secretary of the Natural Resources Agency or his or her designee would chair the council which would have the responsibility to: 1) designate areas of the Los Angeles River suitable for public use, considering both recreational and educational activities as well as public safety; 2) identify and eliminate barriers to public use; 3) provide for coordinated permitting for uses deemed necessary; 4) provide safety warning systems and signage to ensure public safety; and 5) address access to the Los Angeles River.

The measure would also amend the Los Angeles County Flood Control Act to provide for increased public use of navigable waterways under control of the LACFCD that are determined suitable for recreational and educational purposes. SB 1201 would require stretches of navigable rivers with unpaved riverbeds to be deemed in a natural condition and unimproved and would establish a limited immunity from liability for injuries occurring in these waters.

According to the Department of Public Works (DPW), SB 1201 would amend the Flood Control Act unnecessarily and may create undue confusion regarding the priorities for the use of LACFCD property. Currently, the Flood Control Act allows the LACFCD to provide, by agreement with other public agencies or private persons or entities, for the recreational use of the lands, facilities, and works of the District which do not interfere or are inconsistent with the primary use and purpose of lands and facilities of the District. Accordingly, the Flood Control Act already authorizes recreational uses of LACFCD property, but also clearly establishes that recreational uses are secondary to flood control and water conservation purposes. DPW indicates that this provision may result in diminished performance of flood control systems in the County.

The Department of Public Works notes that establishment of the limited immunity from liability for injuries occurring in navigable rivers with unpaved riverbeds would mitigate some of the risk of liability that comes with public access to the Los Angeles River and other LACFCD property; however, the proposed immunity is limited only to those portions with unpaved riverbeds. Therefore, as proposed in SB 1201, the immunity provision would apply only to approximately 16 percent of the Los Angeles River, notwithstanding that the bill does not limit increased public access to unpaved riverbeds only, but appears to contemplate increased public access to its entire length.

According to the Department of Public Works, the proposed Los Angeles River Interagency Access Council is redundant and counter-productive because, in June 1996, the Board of Supervisors adopted the Los Angeles River Master Plan paving the way to recreational opportunities along the River. The Master Plan is the result of the collaboration of public and private sector stakeholders, local, State, and Federal agencies and organizations interested in the future of the Los Angeles River, and it addresses the recreational, flood management and water conservation, environmental

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quality, economic development, aesthetic and jurisdictional considerations of all of the communities along the river. The plan also provides a mechanism for the coordination of local projects by the County and the many cities along the Los Angeles River and Tujunga Wash on an on-going basis. The Master Plan already provides a framework for continuity in public education, awareness, and advocacy for the environmental and civic issues affecting the Los Angeles River.

Furthermore, in 2009, the Los Angeles River Cooperation Committee (RCC) was established to share information, and evaluate and make recommendations about projects along the upper reach of the Los Angeles River. The RCC is a joint working group of the LACFCD and the City of Los Angeles, with the U.S. Army Corps of Engineers serving in an advisory capacity. The RCC currently reviews projects and establishes guidelines for recreational and educational uses along the majority of the River. DPW indicates that the establishment of the Los Angeles River Interagency Access Council could reduce or eliminate powers and duties of the Board of Supervisors as the governing body of the LACFCD.

The Department of Public Works and this office oppose SB 1201. County Counsel concurs with DPW analysis and findings regarding the potential impacts of the proposed legislation.

Therefore, consistent with existing Board policy to: 1) oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority of the Board; 2) support proposals which promote environmentally-friendly flood control improvements and projects, and do not diminish the performance of flood control systems; and 3) the County's opposition to similar legislation, SB 1512 of 2000, which would have established the Los Angeles River Advisory Commission, **the Sacramento advocates will oppose SB 1201.**

There is no registered opposition or support to this measure. SB 1201 is currently in the Senate Natural Resources and Water Committee awaiting a hearing.

We will continue to keep you advised.

WTF:RA  
MR:GA:sb

c: All Department Heads  
Legislative Strategist